GOVERNMENT OF INDIA
HEALTH AND FAMILY WELFARE
LOK SABHA

UNSTARRED QUESTION NO:1096
ANSWERED ON:22.07.2016
Assault on Doctors and Health Institutions
Patil Shri Shivaji Adhalrao;Shrirang Shri Chandu Barne;Yadav Shri Dharmendra

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether the Government has received representations from Indian Medical Association (IMA) demanding central act for prevention of assault on doctors and health institutions, capping of compensation, amendment in Pre- Conception and Pre-Natal Diagnostic Techniques (PCPNDT) Act and Clinical Establishment Act and introduction of Anti-Quackery Bill;

(b) if so, the details thereof and the action taken by the Government thereon;

(c) whether the Government has constituted/proposes to constitute the Inter-Ministerial Committee to examine the issues raised by IMA; and

(d) if so, the details thereof along with the composition, term and reference of the Committee and the time by which the said Committee is likely to submit its report?

Answer

ANSWER
THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND
FAMILY WELFARE
(SMT. ANUPRIYA PATEL)
(a) to (d): Yes, the Government has received the representation from IMA. An Inter-Ministerial Committee has been constituted under the chairmanship of Additional Secretary(Health) comprising representatives from Ministry of Law and Justice, Department of Consumer Affairs, Ministry of Home Affairs, Medical Council of India (MCI) and three representatives from IMA, to examine the issues raised by IMA.
The terms of reference of the Inter-Ministerial Committee were as under:-

(i) Frequent instances of assault on doctors and clinical establishments across the country and the need for a Central Legislation for providing protection to the same.

(ii) Urgent amendments in the PC & PNDT Act to ensure that strict penalties are imposed only on actual act of sex determination or female feticide and not for clerical errors in the maintenance of registers etc. The IMA is also of the view that registration should be of ultrasound machine and not of doctors not doing pelvic ultrasound.

(iii) Single doctors establishments should be exempted from the purview of the Clinical Establishments Act and the need for pre-registration inspection may not be there for those clinical establishments which already have entry level NABH accreditation and above.

(iv) Suitable amendments should be made in the Consumer Protection Act for capping the compensation amount as the current compensation practice, apart from being very high at times, was also tilted in favour of the persons with higher income.

(v) The non-MBBS and non-BDS doctors should not be allowed to prescribe medicines under modern system and the other stream practitioners like AYUSH doctors etc. should not be allowed to practice through bridge courses and through government orders.

The Committee has submitted its report.